THE LATTER-DAY SAINTS'

MILLENNIAL STAR.

"Holiness unto the Lord."

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POWER OF CONGRESS OVER THE TERRITORIES.

From the Salt Lake Herald.

If other proof than the decisions of the Supreme Court of the United States, already cited by us, were needed to show "that the power of Congress over the Territories was *limited by the Constitution of the United States, and the general spirit of our Government*," it will be made manifest by a reference to the provisions of that instrument itself, and the action of all departments of the government since 1784. Sec. VIII, art. I. in the Constitution of the United States in enunciating the powers of Congress, in its last clauses declares that it (Congress) shall have power

"To exercise exclusive legislation in all cases whatsoever over such district, [*not exceeding ten miles square*] as may *by cession* of particular States and the *acceptance of Congress* become the seat of Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, dock yards, magazines and arsenals, and other needful buildings."

So that by the very Constitution itself, *exclusive legislation* by Congress is confined first, to the District of Columbia; and second, to forts, fortifications, dock yards, arsenals, &c. Now, if under the power of Congress "to make all needful rules and regulations respecting the Territory and other property of the United States," Congress possesses the power to legislate in all matters for the Territories, how does it happen that the Constitution confers unlimited powers on Congress to legislate exclusively for the District of Columbia, and for all forts, dock yards, arsenals and magazines, the property of the United States? The law and the facts are that Congress may legislate *exclusively* for all such places as are specified; but in all the other Territory, after a sufficient number of people have settled therein, to establish a local government, then all local legislation, as to ordinary matters, is vested in the Territorial legislatures, subject to no other limitation than the Constitution, and laws of the United States, authorizing Congress to repeal them. For instance: the second amendment to the Constitution provides as follows:—

"A well-regulated militia being necessary to the security of a free State, the right of the *people* to *keep* and BEAR arms shall not be infringed."

Now, this right, which is of much

more consequence to the inhabitants of Territories like Montana, Idaho, Colorado, Arizona and Washington, where people are scattered and their lives and property exposed to daily destruction by wild beasts and by Indians, than to the people of populous States, can not, even by Congress, be taken away without a violation of the Constitution. Does any sane man suppose, will any judge or lawyer contend, that citizens of the various States, who become frontiersmen and penetrate the wilderness and rear their rude log cabins amidst the dangers and risks of Indians and wild beasts in Territories, can be deprived of the right, even by *Congress*, to keep their arms and use them in their own defense, or in that of their property? If Congress cannot deprive emigrants pushing their way into the wilderness of the Territories, of this right, where can Gov. Woods or Secretary Black find their power, to disarm a whole people? and to deprive them of a right guaranteed by the Constitution—a right inestimable to them—formidable to tyranny. Let Congress attempt to deprive the pioneers of Washington, Montana, Idaho, New Mexico or Arizona Territories of their right to keep and bear arms, and President Grant would instantly crush it out with his veto. Now, if Congress itself could not constitutionally disarm the people of Arizona, New Mexico, Montana, Idaho, or Colorado, it is manifest that the Governor of either of those Territories could not do it. True it is that the Governor is Commander-in-Chief of the militia, and that when needed for public service he may order them where to go, and may as such commander order them to return home when not required in pursuance of the local statutes. That is one thing; but to attempt to disarm the people is another. Pioneers, frontiersmen, in the Territories, will keep and bear arms when and where they please under the law, and the Constitution gives them that inalienable right.

One word more on this point, and see how this matter stands. January 15, 1857, (page 190 laws of Utah) a law was passed by the then United States Governor of Utah and the Legislative Assembly, authorizing a board of officers, named in such act, "To draft and adopt a system of laws and regulations for the militia of the Territory of Utah, and create and fill such offices as are or may be necessary for its organization."

And in July, 1857, it was done according to that law. That statute, so passed by the then Governor and Legislature, has *never been repealed* by Congress, and is to this day binding on the Governors of this Territory, and all the citizens thereof.

"Until disapproved by Congress it is valid and operative; it does not owe its effect to the action of Congress." 12 Howard's U. S. Rep., page 1, Miner's Bank *vs.* State of Iowa.

Congress has never taken any exception to that statute, but by its silence has affirmed and approved it for fifteen years. How then can a Governor violate it? the executor of the laws. In Clinton *vs.* Engelbrecht the Supreme Court says—

"In the first place we observe that the law has received the *implied sanction* of Congress. It was adopted in 1859; it has been upon the statute book of Utah for more than thirteen years. It must have been submitted to Congress soon after it was enacted. The simple disapproval by Congress at any time would have annulled it. It is no unreasonable inference, therefore, that it was approved by that body."

Every statute of Utah not disapproved by Congress is binding on all the people thereof, and all the officers, especially the executive and judiciary. Thus, then, we see that Congress under the Constitution and decisions of the Supreme Court does possess *exclusive power* to legislate only for the District of Columbia, and all the forts, dockyards, arsenals, navy-yards, etc., belonging to the United States; and also the power to legislate over the Territories, "*until there are a sufficient number of people to organize a local government of the people, by the people and for the people;*" and then it is the Constitutional duty of Congress to so organize a Territorial government, giving them an organic law, and extending over them the Constitution and laws of the United States, but leaving to the Territorial Legislature

the exclusive right of legislating in reference to all the local affairs of the people. "Though by the fundamental law of a Territory its legislation is to be suited to the disapproval of Congress, yet till disapproval it is valid and operative."—12 Howard's U. S. Rep., page 1. In addition we quote, for the benefit of the "Loyal Liberating League," Gov. Woods, and Judges of the Territorial courts of Utah, from page 125, 4 Wallace's Reports, U. S. Supreme Court, in the case of *ex parte* Milligan. The decision of the Supreme Court was pronounced by David Davis for the court, the very ablest man on the supreme bench, a man whose ability is only equalled by his integrity, the friend of the executive, the sole surviving representative of the doctrines, teaching and friendship of Abraham Lincoln. He says, listen!

"Wicked men, ambitious of power, with a hatred of liberty and contempt of law, may fill the place ONCE occupied by Washington and Lincoln, and if this right is conceded [the violation of the Constitution] and the calamities of war again befall us, the dangers to human liberty are frightful to contemplate. If our fathers had failed to provide for just such a contingency, they would have been false to the trust reposed in them. They knew—the history of the world told them—the nation they were founding, be its existence short or long, would be involved in war; how often or how long continued, human foresight could not tell; and that *unlimited power, wherever lodged at such a time*, was especially hazardous to freemen. For this and equally weighty reasons, they secured the inheritance they had fought to maintain, by incorporating in a written Constitution, the safeguards, which time had proved were essential to its preservation. Not one of the safeguards [including the right of the people to keep, and bear arms] can the *President* or *Congress* or the *judiciary* disturb," [except the one concerning the writ of habeas corpus.]

Under this decision of the Supreme Court of the U. S. neither the President, nor Congress, nor the judiciary can deprive *all the people of all the Territories* irrespective of caste, color or religion, of bearing arms; and no one but a Wils. Shaffer would have attempted it. The violation of the Constitution expired with him; there let it lie.

BREAD.

We have in many Latin authors intimate descriptions of the bread in use among the Romans; and indeed, during the investigations in the ruins of that unfortunate city, Herculaneum, which was so suddenly buried beneath the ashes of Vesuvius, there were found two loaves quite uncut, and still in a tolerable state of preservation. These loaves are described by Winkelmann as being circular masses, about one hand and a half in diameter and five inches in thickness. They were both much alike in size, and were each marked with eight deep indentations, like the strokes on our hot-cross buns, all radiating from a common centre. These cuts were doubtless made by the baker to enable persons to break off a moderately small morsel, as cutting slices of bread was then unknown at table. It is to be presumed that the bread, even in the earliest ages of Greece, was so divided, because we find that Hesiod calls the loaves *oktablomoi*, which, most translators are agreed, refers to the eight cuts or marks. Very frequently, however, the Roman bread was only marked for breaking into four pieces, and such a loaf was called a *quadra*. From this arose the Latin expression for a man often dining out, which was *aliend vivere quadrâ*, a phrase probably best translated by our own slang term, to "sponge." Originally, all the bread was baked by the Roman matrons in person; but as habits of luxury began to spread under the empire, these ladies employed special men to do the work, and themselves disdained the practice of such domestic processes.

The components of bread-making were then as now—flour, water, salt, and leaven. The latter substance was sometimes made by steeping millet in sweet wine, and letting it ferment for a year. The best method of producing leaven, and, indeed, that used for the finest bread, was by steeping the bran or waste from the millstones in sweet white wine for three days, and then making it into little balls, which were dried in the sun. When it was desired to make bread, a few of these balls were set to ferment in a certain quantity of fine flour, which was then mixed with the rest of the dough. The Romans were very particular in the matter of bread, and had many qualities, of which the following may be noted as the principal varieties: *Panis autophyrus*, the large household bread, of which no part was rejected; *panis atroplicius*, a bread for sick people, cooked in a sort of pie-dish; *panis astrologicus*, a sort of pastry; *panis azymus*, unleavened bread, stated by the great medical author, Celsus, to be good for weak digestion; *panis cacabaceus*, which was flavored with a metallic taste by boiling the water used in bronze vessels; *panis militaris*, coarse bread made for the soldiers, and baked on hot ashes; *panis sordidus*, the worst kind, given to the dogs. Most of these breads could be had in two qualities, similar to our first and second flour loaves. As luxury continued to progress, a new kind of paste was made, called *panis madidus*, which was used by dandies to improve their complexion, and worn plastered all over the face for a certain time each morning before appearing to exercise their powers of fascination on the fair sex! In England we find that, in the time of Henry III., the bread was made in three qualities, viz., *wastel bread* (fine wheaten), *cocket bread* (seconds), *bread of treet* (brown bread); and strict and effective laws were laid down as to its being of certain weight and quality. Fraudulent bakers were driven about the city with the loaves tied round their necks, and subjected to sundry other coarse and rigorous punishments.—*Food Journal.*

THE MORMONS.

While our readers may not endorse the doctrines of the Mormons, they will doubtless be interested in learning something direct from the Territory of Utah. A few days since, Mark Lindsey, one of Brigham Young's Elders, arrived in this city on a visit to his brother. Mr. Lindsey came direct from Salt Lake in about four and a half days. He has been residing in that place for about fourteen years, and is well acquainted with most of the prominent men of that locality. His parents reside in England for which place he expects to sail from New York, on the sixth of November, in company with about twenty-five gentlemen and ladies, among whom is Geo. A. Smith, chief counselor of President Young, from Salt Lake. Most of the company are on their way to the Holy Land, but intend to return to Utah. On Wednesday morning Elder Lindsey left Bridgeton for New York, at which place he expected to meet about five hundred Mormons from England on their way to Utah. Large numbers have been arriving lately, and others are on their way. Their passage is paid by the Mormons of Utah, who are anxious to have the right kind of settlers come to their Territory. They do not seem to be much discouraged notwithstanding the difficulties they have lately had to encounter. The Elder speaks favorably of that country as an agricultural and mining region, and in proof of what the products are, he brings with him some of the largest and finest specimens of apples that we ever saw. Some of those raised on his own premises weighing twenty-four ounces. He says they are only fair specimens of what the Territory is capable of producing. As a mining region, it is becoming one of the most famous in the world. Over fifty specimens of lead, copper, silver and gold ore were exhibited to us from as many different

mines of Utah. It is a rare thing to see such a great variety of ore from any one locality.

While the precious metals abound there, and many are making fortunes from the mines, President Young advises his people to give their attention to agricultural and other pursuits, in preference to mining. His policy has been to encourage habits of industry and economy among the Mormons, and have them peaceable and law-abiding citizens. Whatever may be thought of the peculiar doctrines of the Latter-day Saints, they evidently have some good features incorporated into their belief and practice. They have one or more public schools in each ward of Salt Lake City, and schools throughout the Territory where those children whose parents cannot afford to pay are provided for. There is one Bishop for each of the twenty wards in the city, and two counselors with each Bishop has about twenty or thirty teachers, whose duty it is to visit every family in his ward for moral instruction and advice; and whose duty it is to look to the temporal welfare of all needing assistance. These teachers meet once every two weeks, and the Bishop presides. No harsh measures are used by the church officials in order to compel those under their care to be better Saints. In order to give our readers the benefit of an interview with Elder Lindsey on Monday last, we give his answers to a few questions which we propounded. While we do not endorse his peculiar views, we admire his candor and sincerity. The following are the questions asked:—

Q. What is the condition of affairs in Utah at the present time?

A. Our troubles were settled by the late decisions of the Supreme Court of the U. S., which released President Young and others who were charged with crimes of which they were entirely innocent.

Q. By what authority were they released?

A. They were arrested by usurped authority. The United States Court had no jurisdiction over those cases. They properly come under the law of Territorial government. Judge McKean now acknowledges the authority of the Territorial Marshal and government, which before the late decision he ignored.

Q. How are Gentiles treated by the Mormons in Salt Lake and throughout the Territory of Utah?

A. There is no place within the government of the U. S. where strangers are treated with more courtesy than throughout Utah. It is the Mormon's pride not only to treat all with civility, but to expound to them the principles of their religion.

Q. Does not President Young advise his people not to attend the churches and schools of those denominations differing from his own?

A. No Sir, but on the contrary, he advises them to go and hear the doctrines of others if they choose, and many avail themselves of that privilege.

Q. Do the women of the Latter-day Saints enjoy the same freedom as those of the United States?

A. Yes, and much more than many women in the East. In proof of which, any one visiting Salt Lake City can see two women attorneys at the Courts of Utah; one of them a Mormon, the other a Gentile. At our general election for Territorial offices, and Delegate to Congress, thousands of women both Mormons and Gentiles voted unmolested.

Q. Are the Mormons generally in favor of Polygamy?

A. They are not only in favor of it but consider it a sacred duty, it being part of their religion.

Q. Do those practicing polygamy live harmoniously?

A. Yes, much more so, as far as I am acquainted, than those living East, under the one wife system. I never knew of a Mormon who killed one of his wives or children, and that is more than you can say of your people.

Q. About how many children have the Mormons of Salt Lake?

A. I cannot tell with any exactness, but they are much more numerous than they are in the East.

Q. Are they well provided for?

A. Yes, much better than most of the children in the Eastern States, if I may be permitted to judge from those I have seen in your cities.

Have you any public schools in Salt Lake City?

A. We have one at least in each of the wards in the city, and in every settlement throughout the Territory.

Q. What became of the deputy U. S. Marshal, who was authorized to arrest Brigham Young?

A. After a short stay with President Young, the Marshal discovering him to be a gentleman of unbounded hospitality had no fear of his leaving the country, and in fact was so favorably impressed with the Mormon faith that he became one of his proselytes.—*West Jersey Pioneer.*

"WHAT AILS OUTSIDERS?"

Z, in writing to the *Deseret Evening News*, asks the pertinent question used as the heading of this article as follows:—

Editor Deseret News—It has been frequently asked, "What is the matter with the 'Mormons' that all outside influence is against them?" In answering a proposition, the proposition itself should be first considered, especially if calculated to convey false and dangerous ideas, which this inferential question does, because many ladies and gentlemen outsiders (as the term has been christened by non-"Mormons") respect many "Mormons" and love what goodness they find in "Mormonism." Still it may do for an old resident of Utah to give a cursory expression of his views of the situation.

To me, as learned by experience, "Mormon" life is one of industry and hard "mule sense." The people in their actual lives are a rebuke to the idleness, shoddyism, infidelity and gambling of an unfortunate class of migratory proclivities who, uninvited, have pressed themselves among "Mormons," and "Mormon" law and order. This law and order, not helping their designs, creates one pressure.

A desert reclaimed, peopled and beautified, in its incipient state under Mexican rule, becomes in time legitimate action for American governmental appointment of Territorial officers. If those appointees are a "broken," "played out," small pursed, small calibred set, and they find that adherence to law, order and honor can alone command respect, and that American citizens in Utah are down on claim-jumping, it may possibly account for some of this influence. If such officials have no realization of the elements of wealth in the emigrated thousands of bone and sinew and talent from Sweden, Norway, Denmark, England, Scotland and Wales, of the agricultural opportunities, of the vast water powers, of the almost unlimited mineral resources, of the location in the back bone of the continent around which may culminate results in the future which shall pale the histories of the past; if they fall below realizing that this is the half-way station of Asia, and America and Europe, that from here must radiate immense lines of transportation, that the eyes of Europe and our own land are watching and awaiting, with ready capital to invest and develop; if they fall so far below the conceptions of those who pioneered the desert and presented it beautified for their gracious official acceptance, as to seek to block all developments and make of the finest position in the world a wrangling ground for religious questions; if from parson Newman to the highest judicial farce of McKean that ever disgraced a government, has grown an opposition influence, are the "Mormons" to blame? In fact, if outsiders, in endeavoring to break up law and order, in encouraging illegal marketing and liquor selling, in favoring prostitution, in establishing houses of assignation, try to blight all the fair purity of a tried people and get snubbed and beaten at it, it may well account for some pressure. There is such a thing as turning the tables.

"What's the matter with 'Mormons' and 'Mormonism?'" is one question. The other is, "What ails 'outsiders,' that they should seek to create this opposing influence and prostitute press

and telegraph to accomplish it?" Is it because God has fructified a desert, and it supports a four-fold plundered people? That under their executive ability and nature's endowments it has attracted the eyes of the world? Is it because as Christians, we are united, when Christ's pre-eminent definition of his people was, "Except ye are one, ye are none of mine?" Are they angry at "Mormon" opposition to adultery, and their belief that Moses was a sane man at all times in establishing the death penalty for adultery? At a "Mormons" conception that if a man wins all of a woman that a woman is, he should acknowledge, cherish, and support her? Are they stung that "Mormon" men with bared arms and in homespun have abnegated broadcloth and jewelry, thrown shoddyism and gambling to the wall, and openly rescued and sustained thousands of poor women without one taint of harlotry? Do they try to create an influence against us, if the jewels worn in pride by an honest "Mormon" heart, bloom in health under labor and child-bearing, and shame the bedizened courtesan and kept mistress imported among us?

If outsiders "play their own women" and seek the ruin of our daughters and wives and we require them to "keep hands off," are we to blame? If members from old convict stations of Europe, if the detectives of our cities, North, South, East and West, have "made it hot" for certain classes, and they flock, like birds of prey, for picking in Utah, and law and order catch them, who is wronged? In fine, if a crusade is instituted against a people of acknowledged industry, virtue, temperance and of great accomplishments, not only for themselves, but for others, what verdict of sympathy or help must be accorded to the elements which seek their overthrow?

Speak kindly in the morning; it lightens the cares of the day, and makes the household and all its affairs move along more smoothly. Speak kindly at night; for it may be that, before the dawn, some loved one may finish his or her space of life for this world, and it will be to late to ask forgiveness.

EARLY INFLUENCES.—There can be no greater blessing than to be born in the light and air of a cheerful and loving home. It not only insures a happy childhood—if there be health and a good constitution—but it also makes sure a virtuous and happy manhood, and a fresh young heart in old age. I think it every parent's duty to try to make their children's childhood full of love and childhood's proper joyousness; and I never see children destitute of them through the poverty, faulty tempers, or wrong notions of their parents, without a heartache. Not that all the appliances which wealth can buy are necessary to the free and happy unfolding of childhood in body, mind, and heart—quite otherwise, God be thanked; but children must at least have love inside the house, and fresh air and good play, and some good companionship outside—otherwise young life runs the greatest danger in the world of withering, or growing stunted, or sour and wrong, or at best prematurely old, and turned inward on itself.—*Dr. Oldham at Greystones.*

TEACH THE WOMEN TO SAVE.—There's the secret! A saving woman at the head of the family is the very best saving bank established—one receiving deposits daily and hourly, with no costly machinery to manage it. The idea of saving is a pleasant one, and if the women would imbibe it at once, they would cultivate and adhere to it, and thus when they were not aware of it, would be laying the foundation of a competent security in a stormy time, and shelter in a rainy day. The woman who sees to her own house has a large field to save in. The best way to make her comprehend it is to keep an account of all current expenses. Probably not one woman in ten has an idea how much are the expenditures of herself and family. Where from one to two thousand dollars are expended annually, there is a chance to save something if the effort is made. Let the housewife take the idea, act upon it, and she will save many dollars—perhaps hundreds—where before she had thought it impossible. This is a duty, yet not a prompting of avarice, but a moral obligation, that rests upon the woman as well as the man.—*Elko Independent.*

THE LATTER-DAY SAINTS' MILLENNIAL STAR.

TUESDAY, DECEMBER 3, 1872.

BREAKERS AHEAD.

DISAGREEABLE as is the task to the members of the Church of England, they have to confess that there is an increasing tendency to secession from their ranks to the, by them despised, Church of Rome. Not only is this so, but it is found with much alarm that Popish doctrines and observances are increasingly developed and maintained in the teachings and practice of the State-church ministers themselves. And likewise, that as a consequence of increasing doctrinal and ordinal corruption and division, there is an alarming increase of infidelity in the church. At the annual meeting of the Liverpool branch of the "Church Association," held a few days ago, the Hon. chairman stated :—"Though we have accomplished much, there remains much to be done to purge out the Popish leaven which is working so stealthily and spreading so rapidly; and when we see crucifixes erected, the mass set up in hundreds (some say thousands) of our churches, and the confessional preached up as the only means of reconciling penitent sinners to Christ; when the sacraments are being multiplied and exalted for the purpose of exalting the priesthood, which alone can dispense them; when we hear of prayers for the dead, invocation of saints, and adoration of the Virgin, and when we note how, as the result of all this, infidelity is coming in like a flood, and the church of our martyred forefathers is threatened by a strange alliance of Ritualists, Romanists, and dissenters, are we to sit still and fold our arms and give up all for lost?" And again, "What we have most to fear is not Romanism or Ritualism, but indifferentism, which, instead of lending a helping hand against the foe, looks on while the foundations are being destroyed, and the temple of the Lord transformed into an idolatrous masshouse, redolent with incense, bedecked with idols, and arrayed in the meretricious robes of the great apostacy."

Another speaker at the meeting, the Rev. Herbert Woodward, expressed his belief, from information he deemed authentic, that fully one-fifth of the churches belonging to the establishment were under the influence of the Ritualists, and he repeated a statement made to him by a lady, that in one of the churches of Liverpool she saw, a short time ago, a cassocked young priestling walk forward with a pencil in his hand and take the names of a bevy of young ladies who were ready to walk after him into his secret chamber. He (Mr. Woodward) thought there ought to be written over the door of that chamber—"A place of doubtful fame."

In addition to these commotions in the church, there comes the outside pressure of dissenters and others who aim at the disestablishment and disendowment of the State Church. These desire to see that church reduced to

a level with the other sects, which is all proper enough as they, being without immediate revelation from God, are all equally led by opinions, and by their own conceptions of what they should believe and do, and what they should not. At the annual meeting of the "Liberation Society," held at Liverpool on the 18th ult., the Hon. Lyulph Stanley stated that the Established Churches of England and Scotland have failed to Christianize the mass of the people; that their organization is so fixed and unelastic that in the rapid changes which are constantly occurring in the seats of population and industry it is impossible for them ever to meet or overtake the wants of the time. He wished all churches to settle their own affairs amongst themselves. He dealt with the question as a politician, not as a theologian. In the interests of civil and religious liberty and freedom of thought, he wished not to have protection or subsidy for any particular form of thought. The great mass of the patronage of the Church of England was in the hands of the landed gentry, and, as a class, they were not inclined to liberalism or progress of thought.

This idea in relation to "liberalism or progress of thought" is indulged in by a strong body of men *in* as well as *out* of the State Church. They claim that the "Church should be comprehensive;" which is, that men should be permitted to believe, and even practice, what they consider to be right, provided they agree on some few general principles, such as, that there was such a being as Jesus Christ, that he is the Son of God, and that the Scriptures are true. These "comprehensivists" urge that there should be no secession, but that all who agree on the foregoing fundamental principles may continue to preach and practice in, and attend the "one church," however divided they may be on a multiplicity of, as they are termed, minor details, such as baptism, the Lord's Supper, the number of sacraments, the mode of administration of public worship, etc. The *Morning Post* discourses as follows:—

If we wished for a practical illustration of the complete revolution in religious thought which has taken place within less than a single generation we should have it ready to our hands in the fact that some half dozen clergymen have within the last few weeks seceded from the Established Church in consequence of the judgment of the Privy Council in the Bennett case. Some two and twenty years ago the sacrament of baptism was in dispute, and in the appeal of Gorham v. the Bishop of Exeter the Judicial Committee decided that there was nothing in the appellant's teaching which disqualified him from holding a benefice. That was the first decision of the Privy Council which touched in any way, however indirect, the doctrine of the church. The effect of that judgment will be in the memory of many of our readers. By some of the more advanced of what was then called the Tractarian party this suit was regarded as a struggle between church and state, in which the church was worsted and her authority in matters of doctrine utterly disallowed. The Gorham judgment was the first declaration of comprehensiveness, or as some said of latitude, and others of negation. The orthodox party, fresh from the study of theology and church history in its relation to earlier periods, were not prepared for the inevitable conflicts which the church must face in an age of more general culture, of greater independence, and of more sifting inquiry. They could see only one deplorable evil—the encroachment of the civil power upon the spiritual office of the church. In their opinion the church ought to sever its connection with the state rather than submit to that interference and humiliation. And because the church did not resist to this point, a large number felt it their duty to throw up their preferments, leave the Church of England, and join the Church of Rome. Observe the point on which they seceded—the comprehensiveness of the church. The Privy Council did not say that Mr. Gorham was right, but only that he had not transgressed the limits of

freedom allowed by the documents of the church to her members and ministers. On this ground some of the ablest leaders of the Anglican party left the church—the gifted John Henry Newman, the learned Robert J. Wilberforce, and the less accomplished but more showy Archdeacon, now Archbishop Manning.

Twenty years have passed, and now the other Sacrament has been in dispute, and again the powers of the Privy Council have been invoked. Again the Supreme Court has asserted the comprehensiveness of the church; and though it has not defended the orthodoxy of Mr. Bennett's teaching, it has ruled, as before, that he has not transgressed the limits of freedom, and that he ought not to be deprived of his benifice. In other words, the court has allowed to Mr. Bennett the operation of the same rule that was applied to Mr. Gorham. The Gorham decision was hailed with acclamation by the Evangelicals and with dismay by the orthodox. The Bennett decision was received with joy by the Anglicans (for the "Orthodox," like the "Puseyites," are an extinct race) and with consternation by the Evangelicals, who have spent some £20,000 in a vain attempt to restrict in others the liberty they claim for themselves. And now, as in 1850, we hear of secessions from the church. Because Mr. Bennett is not expelled, the advocates of a one-sided liberty of belief complain that the church is not faithful to the truth, and they must leave her communion. Their inconsistence is simply idiotic. They have no grievance. In the Bennett judgment the Privy Council have only acted upon a rule previously laid down, and received by the Evangelicals with jubilation. But for that rule Mr. Gorham could never have been instituted to Brampford Speke, and it is absurd to urge that the operation of that rule should be exceptionally stayed in order to turn Mr. Bennett out of Frome. We say nothing in advocacy of Mr. Bennett's views, because they are not in question. The Privy Council have asserted that they are within the circle of permitted doctrine; and that being the case, Mr. Bennett could not in fairness be visited with a penal sentence. If the Evangelicals are discontented with that, it is open to them to challenge the propriety of the court's decision, and to show by learned argument that Mr. Bennett has transgressed, and, if they can, to prove the judgment to be unjust and wicked. But it is not open to them to accept a principle of interpretation when it favors their own party, and to disavow it when an exactly similar exercise of it goes in favor of their opponents.

But whither will the seceders go? Two or three have stated that they do not mean to leave the church, but only to cease to hold office, and to subside into inactivity. Of two of these it is affirmed that they have been inactive for some years past, so that their step does not count for much. Others speak of establishing a "Free Church of England," but it is not quite clear what that is. If it mean free from connection with the state, free from the jurisdiction of the bishops, free from the obligation of the Prayer Book and canons, all that we can say is that, however "free" it may be, it will not be the Church of England, or any part of it. It will be as completely a sect as the Congregationalists or the Baptists. The members of this new communion will have parted with the wide and wise freedom of the church for the cramping narrowness of a sect, and can hardly fail to sink into that bog of bigotry and intolerance which dissenters themselves have designated as sectarian.

The illogical position of seceders is worth a moment's attention. Because the Supreme Court did not condemn Mr. Gorham, therefore a hundred or more Church of England people became Roman Catholics! Where is the sequence? The Supreme Court may have erred in their estimate of Mr. Gorham's position; but is that any reason for believing transubstantiation, worshipping the Virgin Mary, or admitting the infallibility of the Pope? Similarly, the same court may not have correctly gauged the alleged heterodoxy of Mr. Bennett; but is that any reason for throwing overboard episcopacy and accepting the principle of Congregationalism? Is that any reason for weakening by division and desertion the church which for centuries has been the bulwark of religious liberty in this land? How is it possible for any national church to be other

than comprehensive? There are certain fundamental principles of Christianity about which there can be no latitude of opinion, or, at least, no permitted denial, as in the case of Mr. Voysey; but about the rest a certain freedom of thought and teaching is absolutely called for, and generated by the actual constitution of the human mind, the facts of human knowledge, and the circumstances of Christian civilization. To ignore these, to be impatient under circumstances that grow out of them, and to chafe because a necessary law acts uniformly towards all parties without fear or favor, is to show an unpardonable ignorance of the moral conditions of our life, and of the province of religion in relation to civil society.

In the struggle to make the religion of Christ "congenial to the spirit of the age," what but division can result? Men strive to make modern religion adapted to the varied opinions and notions of their fellows. Of old time it was not so. God spake, man listened and obeyed, or was rebellious and disobedient. In doing the former he was blessed, in the latter, cursed. Then men had to conform to the word of the Lord, or suffer condemnation. Modern so-called Christians would have us now believe, that because of the advance of thought, and of the developments of science, and of the great increase of knowledge, religion should change to suit such advance, developments and increase. Latter-day Saints have not so learned Christ. They believe, and by personal experience know, that when God speaks, man, to escape condemnation, must give ear and accommodate himself to the law of righteousness as revealed from heaven. And to this do *all* the Scriptures bear testimony.

J. G. B.

THE "GENERAL" PROTESTS.

VOLUMINOUSLY AND ASTONISHINGLY!

FIGURES WORTH READING, AND "FACTS" DRAWN FROM FANCY.

To GEORGE Q. CANNON, Claimant,
vs.
GEORGE R. MAXWELL, Contestant.
For a seat as Delegate from Utah Territory in the forty-third Congress of the United States of America.

You are hereby notified that I, Geo. R. Maxwell, will appear before the House of Representatives of the United States of America, upon the 4th day of March, 1873, or as soon thereafter as I can be heard, and then and there contest your right to hold a seat as Delegate from Utah Territory in said Congress, by virtue of a certain certificate which you now hold, dated October 12, 1872, signed by George L. Woods, as Governor of Utah Territory, which said certificate is based upon the last general election returns held in Utah Territory, because

1. You did not receive a majority of legal votes cast in a legal manner at said election.

2. That said election was not a free and fair expression of the voters of Utah Territory, they, the voters, having been influenced by fear of one Brigham Young; that you did combine and confederate with the said Young and others, and by duress and violence did compel each and every voter who voted for you to so vote under no less a penalty than death.

3. That at said election each and every ballot was numbered, and a corresponding number was kept by your confederates for the purposes of intimidation.

4. All numbered ballots should have been thrown out of the returns of said election, thus giving me a majority of the legal votes cast in a legal manner

in precincts where no numbers were used.

5. The returns of said election show that you received (20,969) twenty thousand nine hundred and sixty-nine votes, and that I received one thousand nine hundred and forty-two votes, scattering two votes, while in truth and fact I received three thousand five hundred and twenty-two votes, all of which were legal votes cast in a legal manner; that in addition thereto I received one thousand legal votes in the county of Beaver and other parts of the Territory of Utah which were illegally thrown out because you and your confederates wilfully neglected and refused to establish election precincts in places where the miners could vote; also, I was deprived of two thousand votes because the judges of election would allow no one to vote for me who had not actually paid Territorial taxes and lived one year in the precinct where he offered to vote—making a total vote of twenty-seven thousand four hundred and ninety-one in a population of eighty-five thousand; and that any individual, male or female throughout the entire Territory could vote for you without qualifications, and all that offered did so vote for you.

6. That fifteen thousand women whose votes are illegal voted for you; that of the fifteen thousand women who thus voted five thousand of them were of foreign birth and not naturalized, and about five thousand of the women were under the age of twenty-one years.

7. That the male and female voters in all the precincts voted together, using the same poll-lists and ballot-boxes, thus rendering it impossible to separate the male and female vote, and because the separation cannot be made the entire vote where ballots were so used must be thrown out, thus leaving me a majority of legal votes in precincts where no females voted. That aside from female votes, 8,000 males voted for you who were of foreign birth and unnaturalized. And that large numbers of males voted for you who were under the age of twenty-one years.

8. That you are personally disqualified, as you cannot take the oath of office, having heretofore, to-wit on the 15th day of May, 1848, at Nauvoo, Ill., taken an oath to obey one Brigham Young and his successors in all things, temporal and spiritual, upon pain of death, and an oath of disloyalty to the United States, and that you would do all in your power to thwart and overthrow the government, which oath you now consider binding.

9. That you cannot take the oath of office having declared upon oath heretofore, to-wit, on the 15th day of November, 1871, at Salt Lake City, that you considered the revelations of polygamy paramount to all human law, and that you would obey said revelations rather than the law of any country.

10. That you are further personally disqualified because you are a bigamist and living in open and continued violations of the law of God, man, your country, decency and civilization, and the act of Congress of 1862, entitled an act to prohibit polygamy in the Territories.

11. That you are now living and cohabiting with four (4) pretended wives in defiant and willful violation of the law of Congress of 1862, entitled an "Act to prohibit polygamy in the Territories."

That you, the said George Q. Cannon are living in polygamy.

12. That you have declared upon your oath upon the 15th day of November, 1871, or thereabouts, that you considered polygamy, or the revelation authorizing it, paramount to all human law. That no oath of allegiance to the government of the United States would be binding in your case because of these promises, and the voters of Utah Territory had full and ample notice of these disqualifications, therefore the votes cast for you were void and of no effect.

13. The certificate before referred to is void because notice of your personal disqualifications was brought home to the Governor of Utah Territory on the 10th day of September, at his office in Salt Lake City, in words and figures, as follows, to-wit:

Salt Lake City, U. T.,
September 10th, 1872.

To His Excellency, Geo. L. Woods,
Governor of Utah Territory.

"I, the undersigned, do in the name of the loyal citizens of Utah, solemnly protest against the issue once of a certificate of election to G. Q. Cannon as delegate to Congress from the Territory of Utah, for the following reasons, to wit:

1. Because of the illegality of the votes cast for said George Q. Cannon, and also because many of the voters were disqualified by reason of their extreme youth, and because not naturalized. Again, because the ballots were so numbered as to bring the terrorism of a so-called religion to bear upon the consciences of the voters, thus robbing them for the time, of their free moral agency, and desecrating the proud and sacred franchise of American citizens.

Again, I solemnly protest against issuing said certificate to George Q. Cannon, because of his disqualification, inasmuch as he is bound by solemn oath to recognize the will of the head of the Mormon Church and Priesthood, as a power superior to the Constitution and laws of his country by the very nature of his oath, necessitating obedience to that will, even when it conflicts with said Constitution and laws.

Again, Because he cannot take the oath of office, having declared in open court that the revelation of polygamy is paramount to all human law.

Again, Because said George Q. Cannon is living in open and persistent violation of his country's laws, being a noted polygamist.

Again, Because his admission to a seat in Congress would involve the nation in a manifest complicity with polygamy.

Again, Because it would be a virtual recognition of polygamy as the State or National religion.

Again, Because it would be an outrage against the moral sentiment imbedded in the hearts of a mighty people, irrespective of their religious faith or political predilections. Again, because it would pave the way for the admission of Utah as a State, and the inevitable ostracism and terrorism that would inaugurate a reign of anarchy in Utah, involving the innocent with the guilty, and the voters of Utah had full and ample notice of these disqualifications.

(Signed) GEO. R. MAXWELL,
Protestant.

14. Each and every fact charged in said protest is true. You will further take notice that I will claim said seat as delegate from Utah for the forty-third Congress.

GEO. R. MAXWELL,
Contestant.

—*Salt Lake Herald.*

COLONEL GAMMON ET SPINACH PROTESTS.

AND DOES IT AFTER THE ESTABLISHED FORM.

PREPARED TO KEEP ON PROTESTING, IF NECESSARY.

Our esteemed friend and townsman, and especial pet, the gallant Colonel Gammon et Spinach, who won such renown in the invincible fall-backs, and was subsequently elected sergeant in the R. A. F's, requests space for the following protest, which he must have at all hazards. He says—

To George Q. Cannon,

Geo. R. Maxwell, and as many other Georges as may be necessary to make up the number of England's famous quartette. claimant G. R. M. especially being a chronic claimant.

vs.

G. et. S., otherwise Gammon et Spinach, Contestant

For a seat in Congress as Delegate, or anything else that will bring notoriety and the mileage—the latter preferred.

You are hereby notified that I am going to Congress; and as one of you has a certificate and the other hasn't, I propose to show that neither has a right to the seat, or the mileage and per diem.

1. If you received any votes you had no right to them, nor had the

people any business to cast such votes while I was around anxious to get them.

2. It wasn't a fair election. The caucusses and nominating things conspired against me and didn't nominate me, or I would have got all the votes; consequently it was a conspiracy and a fraud on general principles. And some of the Mormons agreed to send anybody to Jericho, which means over Jordan, or Faust's racing park, if they voted for me, anyhow; and the people were afraid the general would swear a blue streak if they didn't vote for him; and I didn't get the votes, which proves of itself that it wasn't a fair election.

3. The law requires ballots to be numbered, and they were numbered according to the law; but I didn't make the law and the numbering was wrong.

4. In fact, as the people didn't vote for me, the whole thing is outrageous; and I should be delegate on general principles and because I want to be.

5. The returns show that you Cannon, received 20,969 votes, and you, Maxwell, 1,942; and yet I would have received twice as many if there had been enough voters and the thing had been fixed so that they would have voted for me. Besides, Maxwell received no end of votes which he alledges he didn't receive, including places where they polled more votes than there ever were people there, counting stray chickens, passing travelers, the man from Montana and "the boys off the line." Besides, everybody was allowed to vote for you who was a legal voter and a citizen of the United States, while aliens, citizens of Michigan recently arrived here, people from New Jersey and other foreign countries, and women who had never paid poll tax were not permitted to cast their ballots for me; and further, I wished it distinctly understood that every person who would vote for me was to be declared entitled to do so, while all others were to be declared without qualifications to vote. Maxwell showed me this kink.

6. Every person that voted for either of you voted illegally, because they didn't vote for me.

7. Mormons and Gentiles voted together, using the same poll-lists and ballot boxes, and as you can't separate those votes now the whole thing should be sent to thunder and me be declared elected. That's what I'm figuring for.

8 and 9. That as Cannon can't swallow an oath as easily as I can, and as Maxwell can swallow it too easily, while the digestion of both is, may, can, shall, will, or ought to be impaired, therefore, neither of you are wanted anywhere in the rear region of the national house of representatives.

10. There's a woman or something in the case, and Congress wouldn't countenance anything that wore calico; so you needn't go there.

11. That Cannon is married—well, yes, married—a long time, and says so; while Maxwell has been married only lately, and—the rest of this section is of a delicate nature and reserved for the Congressional Committee on social topics and public morality.

12. As before, generally and specifically.

13. I haven't protested yet to Woods, Governor, &c., who granted the certificate to Cannon, for it would have been of no earthly use and would have only made me as mad as Maxwell is, which is injurious to digestion and health generally; but there are some especial reasons why I should get the seat, viz:—

a. Cannon is a praying man, preaches sometimes, is temperate, and has a wonderful degree of veneration for Deity; Maxwell is a "cussing" man, spouts politically, takes his tod and swears like a trooper; which eminently disqualifies them for Congress, a body mainly composed of pure-minded, honest, lawyers.

b. Maxwell says all numbered ballots should have been thrown out, and as all were numbered they should all have been thrown out. Cannon says—I expect he will say—that, the law requiring ballots to be numbered, all unnumbered ballots should be thrown out; so if any such were cast they, too, should not have been counted. Therefore, neither received a legal vote; and as I received *one* legal vote—*my own*—find out whether it was numbered or not—I am triumphantly

elected to the forty-third Congress delegate for Utah.

c. There are several other things to be said, but I reserve them to astonish these aspiring fellows.

(Signed)
GAMMON ET SPINACH,
PROTESTANT ET CATHOLIC.

14. All the "facts" in the above that are neither "fibs" nor "fancies," are true, and the rest is as reliable as the general's politics or Tuck's gospel.

(Signed)
GAMMON ET SPINACH,
CONTESTANT.

—*Salt Lake Herald.*

UTAH NEWS.

The *Deseret News* gives the following :—

PROGRESSING.—Work on the Temple is progressing steadily. The laying of the two additional courses of rock, recently commenced, is now nearly completed.

FROM BEAR LAKE.—Bishop E. M. Austin, of Liberty, Bear Lake Valley, is in town. He informs us that the great want felt in that place is the lack of a sufficient number of sturdy, honest and industrious settlers. Those already located there are generally of that class, but their number is not sufficiently large. There is an abundance of farming land, timber, water, etc., immediately adjacent to the settlement. Plenty of room and facilities for new settlers to "pitch in and spread." The climate is healthy up there, and after the difficulties of a first settlement are overcome, the people generally get along pretty well. Good crops were raised there the past season.

PROSPEROUS.—A gentleman who recently visited Brigham City was pleased as well as surprised at the flourishing condition of that place. A co-operative store, a woolen factory, a tannery, a mammoth farm, and a dairy and cheese factory, all on the co-operative plan, are in full operation and are entirely self-sustaining. The woolen factory has now nearly sufficient wool to last the mill till next wool season, notwithstanding that the average turn out from the factory of various kinds of fabrics is 500 yards per week. Brigham City is showing probably to as great if not a greater extent than any other portion of the Territory the benefits to be derived from a wise and practical application of the principle of co-operation.

The following are from the *Salt Lake Herald* :—

INCIPIENT WINTER.—The rainfall of Sunday morning, Oct. 27, changed to a decided snow fall, which has left underfoot a handsome specimen of genuine winter work. How many snow men have been manufactured it is needless to say, but such experience is a gentle reminder that coal cellars should be supplied, heating stoves procured, winter clothing got ready, and a general preparation made for "the cold season."

SUIT COMMENCED.—Kate Flint has commenced suit for the recovery of the trifling amount of $27,373,60, being three times the alleged value of property destroyed when her Commercial street "social evil" was bursted by the city authorities. Kate's lawyers are McCurdy and Morgan and Robertson and Spratt. We move, in behalf of the plaintiff, for a change of judge, that the case may be tried before Strickland J., and not before McKean, C. J.

STIR UP.—Some of our federal official friends are tardy and running their official heads in danger. McKean has labored hard and faithfully, if not intelligently; the "general" has been to Pittsburg; George L. is working like a beaver in Nevada; Strickland promises to order fellows shot—and he means what he says, so he says—but George, the acting governor, Cyrus, the champion of opinions, and others of the circle, are mute. Why will ye peril your official salvation? Wade in and get ahead of Strick. and shoot somebody.